

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

|                              |   |                                      |
|------------------------------|---|--------------------------------------|
| EDWARD HARMON,               | ) |                                      |
|                              | ) | Case No 2:11-cv-0334                 |
| Plaintiff,                   | ) |                                      |
|                              | ) | JURY DEMAND ENDORSED HEREON          |
| v.                           | ) |                                      |
|                              | ) | VERIFIED CIVIL COMPLAINT             |
| VIRTUOSO SOURCING GROUP, LLC | ) |                                      |
|                              | ) | (Unlawful Debt Collection Practices) |
| Defendant.                   | ) |                                      |

**PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL**

EDWARD HARMON (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the following against VIRTUOSO SOURCING GROUP, LLC, (Defendant):

**INTRODUCTION**

1. Count I of Plaintiffs’ Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.”
3. Because Defendant conducts business in the state of West Virginia, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

### **PARTIES**

5. Plaintiff is a natural person who resides in Charleston, Kanawha County, West Virginia.
6. Defendant is a national company with its headquarters in Aurora, Colorado.
7. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
8. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

### **FACTUAL ALLEGATIONS**

9. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment of an alleged debt.
10. Defendant calls Plaintiff from two (2) to three (3) times a day since approximately March 2011 (See call log attached as Exhibit A).
11. Defendant places collection calls to Plaintiff's home phone: 304-744-3366.
12. On April 9, 2011, Plaintiff returned Defendant's call and asked that Defendant stop calling and only communicates with Plaintiff in writing as Plaintiff could not afford to make any payments at that time.
13. Defendant's agent, Janice, informed Plaintiff that the original creditor would charge Plaintiff additional fees for using a collection service to collect the debt. Defendant's agent further stated that the calls would continue and that Plaintiff would be taken to the "next tier."

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

14. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff in connection with the collection of a debt; and
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- c. Defendant violated §1692e(10) of the FDCPA by using false and deceptive means to collect a debt when Defendant's agent informed Plaintiff that the original creditor would charge Plaintiff additional fees for using a collection service and that Plaintiff would be taken to the "next tier".

WHEREFORE, Plaintiff, EDWARD HARMON, respectfully requests judgment be entered against Defendant, VIRTUOSO SOURCING GROUP, LLC, for the following:

15. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
17. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: \_\_\_/s/Michael S. Bailey\_\_\_  
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**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, EDWARD HARMON, hereby demands trial by jury in this action.

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF WEST VIRGINIA

Plaintiff, EDWARD HARMON, states the following:

1. I am a Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, EDWARD HARMON, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

4-28-2011  
Date

Edward Harmon  
EDWARD HARMON

**EXHIBIT A**

**Call Log**

All calls were in eastern time and they are calling my home number of 304-744-3366

| Date      | Time     | Caller ID   | Number        | Actual Caller  | Message |
|-----------|----------|---|---------------|----------------|---------|
| 3-31-2011 | 6:37 PM  | Not Provided  | 1800-452-8139 | Virtuoso Group | No      |
| 4-4-2011  | 1:25 PM  | Not Provided  | 1800-452-8139 | Virtuoso Group | No      |
| 4-5-2011  | 10:23 AM | Not Provided  | 1800-452-8139 | Virtuoso Group | No      |
| 4-5-2011  | 5:53 PM  | Not Provided  | 1800-452-8139 | Virtuoso Group | No      |
| 4-6-2011  | 10:12 AM | Not Provided  | 1800-452-8139 | Virtuoso Group | No      |
| 4-6-2011  | 1:25 PM  | Not Provided  | 1888-382-6623 | Virtuoso Group | No      |
| 4-6-2011  | 4:37 PM  | Not Provided  | 1800-452-8139 | Virtuoso Group | No      |
| 4-7-2011  | 10:12 AM | Not Provided  | 1800-452-8139 | Virtuoso Group | No      |
| 4-7-2011  | 5:57 PM  | Not Provided  | 1800-452-8139 | Virtuoso Group | No      |
| 4-8-2011  | 10:33 AM | Not Provided  | 1800-452-8139 | Virtuoso Group | No      |
| 4-8-2011  | 1:42 PM  | Not Provided  | 1800-452-8139 | Virtuoso Group | No      |
| 4-8-2011  | 5:40 PM  | Not Provided  | 1800-452-8139 | Virtuoso Group | No      |
| 4-9-2011  | 9:42 AM  | Not Provided  | 1800-452-8139 | Virtuoso Group | No      |
| 4-9-2011  | 11:00 AM | Not Provided  | 1800-452-8139 | Virtuoso Group | No      |
| 4-9-2011  | 11:03 AM | I called Virtuoso Group back and asked that they stop calling and to contact me by mail only and I spoke to a Janice she stated she is the manager of my account and stated calls will continue and that the creditor will charge me additional fees for using a collection service to collect the debit. She stated I will be taken to the next tier and she stated that Virtuoso had the right to keep calling regardless of the FDCPA, that they were falling onto the guidelines of the FDCPA. I told her I was not able to pay at this time and she said the calls will continue and the call ended. |               |                |         |
| 4-11-2011 | 1:46 PM  | Not Provided  | 1800-452-8139 | Virtuoso Group | No      |
| 4-11-2011 | 6:19 PM  | Not Provided  | 1800-452-8139 | Virtuoso Group | No      |
| 4-12-2011 | 2:37 PM  | Not Provided  | 1800-452-8139 | Virtuoso Group | No      |
| 4-12-2011 | 6:19 PM  | Not Provided  | 1800-452-8139 | Virtuoso Group | No      |
| 4-13-2011 | 10:15 AM | Not Provided  | 1800-452-8139 | Virtuoso Group | No      |